

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DORA DAVIS,

Plaintiff,

VS.

**ALBANY INTERNATIONAL,
JEFF JOHNSTON,**

Defendant.

2:05-cv-1040-WKW

MOTION TO FILE WITNESS AND EXHIBIT LIST OUT OF TIME

COMES NOW, the Plaintiff, Dora Davis, pursuant to Rule 26(a)(3), Fed.R.Civ.P., Section Nine, Ten and Eleven of the Court's Uniform Scheduling Order, and move this Court for an Order to file the witness and exhibit list outside of the time allotted in the Uniform Scheduling Order. As grounds, show unto the Court as follows:

1. Plaintiff has been unavailable to be reached by mail or telephone.
2. Counsel for the Plaintiff has not communicated with Plaintiff prior to today's date.
3. On today's date, counsel located Plaintiff at her daughter's residence.
4. Plaintiff informed counsel that she has been ill and needed assistance of family.
5. Plaintiff has assured counsel that she desires to continue this action.
6. The Motion is made in good faith and is not merely an attempt to delay the judicial process.

WHEREFORE, THESE PREMISES CONSIDERED, Plaintiff humbly requests that that this Honorable Court grant Plaintiff's Motion to file the Witness and Exhibit List in the above matter.

Respectfully submitted this the 29th day of September, 2006.

/s/ Trina S. Williams
TRINA S. WILLIAMS (SAN 046)

/s/ Vicky U. Toles
VICKY U. TOLES (UND 014)

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Montgomery, Alabama 36104
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion on this 29th day of September, 2006 upon the following:

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ**
Honorable Charles Powell IV
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/s/ Trina S. Williams
TRINA S. WILLIAMS (SAN 046)